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KENTUCKY STATE CONVENTION. OFFICIAL REPORTS.

MR. R. SUTTON, CHIEF REPORTER.

THURSDAY, NOVEMBER 1, 1849.

[Proceedings Continued.]

The third section was then read.

Mr. HARDIN moved to strike out the words

"which shall not be sufficient ground of impeachment."

Mr. HARDIN. I invite gentlemen to examine

the constitution of the United States. There is

no way to address a man out of office for any

offense for which he may be impeached. In our

constitution there are several incongruities. I

will read the section on this subject:

"A competent number of justices of the peace

shall be appointed in each county; they shall be

commissioned during good behavior, but may

be removed on conviction of misbehavior in

office, or of any infamous crime, or on the ad-

dress of two-thirds of each house of the gen-

eral assembly."

The convention will perceive that the power

of removal extends beyond misbehavior in office,

and that you can remove by address for any

thing for which you could by impeachment.

You can remove a judge for any crime, for any

treason, or any crime of that description. I

see no reason why when you come to address a

man out of office, you exclude in the address

what is the subject of impeachment. Any one

may see the great difficulty which might grow

out of it. The consequence will be, when you

remove by address, it will be to remove by

impeachment. I wish the legislature to have

power to remove by address if the judge

behave outrageously bad. Shall there be no

way to remove him by address, no way to get at

him but by impeachment? We know the delays,

formalities, and ceremonies attending an im-

peachment. It is no crime to be superannuated,

yet the legislature should have power to remove

by address. It is no crime to be so old as not

to be able to hear a word, like Judge Duval, who

held his office as judge of the supreme court for

ten years after, and was superannuated besides.

It was no offense in Judge Heath of Baltimore

to become insane, and yet congress could not

remove him. It is important that the power to

remove by address, should be more extensive than

by impeachment, but that the power to remove

by address should be excluded from the very of-

fense for which you may impeach, I cannot

understand. There are a thousand ways in which

their conduct may be very wrong, and yet you

cannot impeach them.

Mr. C. A. WICKLIFFE. The committee

transcribed this article from the present constitution,

and if there is anything wrong in it, our ances-

tors were guilty of it. If it needs correction, I

am willing it should be done. I am inclined to

enlarge the subject of impeachment, and to pre-

scribe the offenses for which an officer should be

impeached. I am extremely anxious to retain

the power of impeachment, because it disquali-

fies a man from any office. I think this will

meet the difficulty, "but for reasonable cause,"

the governor shall remove any of them on an ad-

dress of two-thirds of the general assembly."

If no other gentleman does it, I shall, hereafter,

move to specify the grounds for which a judge

may be impeached.

The motion to strike out was agreed to.

Mr. HARDIN. I will now renew the same

amendment that I made in committee of the

harmony, without which there can be no public
business, yet the said Samuel Chase, disre-
garding the duties and dignity of judicial
character, did at a circuit court, for the district
of Maryland, held at Baltimore in the month of
May, one thousand eight hundred and three,
pervert his official rights and duty to address
the grand jury, then and there assembled, on
the matters coming within the province of the
said jury, for the purpose of delivering to the
said grand jury an intemperate and inflamma-
tory political harangue, with intent to excite the
fears and resentment of the said grand jury,
and of the good people of Maryland against
their state government, and constitution, a con-
duct highly censurable in any, but peculiarly
indecent and unbecoming in a judge of the su-
preme court of the United States, and more-
over that the said Samuel Chase, then and there,
under pretence of exercising his judicial right
to address the said grand jury, as aforesaid,
did, in a manner highly unwarrantable, en-
deavor to excite the odium of the said grand
jury, and of the good people of Maryland
against the government of the United States,
by delivering opinions, which, even if the judi-
cial authorities were competent to their expres-
sion, on a suitable occasion in a proper man-
ner, were at that time and as delivered by him,
highly indecent, extra-judicial and tending to
prostitute the high judicial character with
which he was invested, to the low purpose of
an electioneering partisan.

And the house of representatives, by pro-
tection, saving to themselves the liberty of ex-
pression, at any time hereafter, any further ac-
cusing or accusing, or impeachment
against the said Samuel Chase, and also of re-
plying to his answers which he shall make
unto the said articles, or any of them, and of
"proving" to all and every of the aforesaid
articles, and to all and every other articles, in-
decent or accusation, which shall be exhib-
ited by them, as the case shall require, de-
mand that the said Samuel Chase may be put
to answer the said crimes and misdemeanors,
and that such proceedings, examinations, trials
and judgments may be thereupon had and given
as are agreeable to law and justice."

The vote stood, on the eighth charge, nineteen
against him, and fifteen for him.

I invite gentlemen to read that charge as a lit-
erary curiosity, and also the address to the
grand jury of Baltimore, for such a philippic
was never given in the world. They are as fol-

low: *Copy of the conclusion of a charge delivered and
read from the original manuscript at a circuit
court of the United States, holden in the city
of Baltimore, on Monday the 24 day of May, 1803,
by Samuel Chase, one of the judges of the su-
preme court of the United States.*

"Before you retire, gentlemen, to your cham-
ber to consider such matters as may be brought
before you, I wish to take the liberty to make a
few observations; which I hope you will re-
ceive as flowing only from my regard to the
welfare and prosperity of our common coun-
try."

"It is essentially necessary at all times, but
more particularly at the present, that the pub-
lic mind should be truly informed, and that our
citizens should entertain correct principles
of government, and fixed ideas of their social
rights. It is a very easy task to deceive or mis-
lead the great body of the people, by propaga-
ting plausible, but false doctrines; for the bulk
of mankind are governed by their passions, and
not by reason."

"Falshood can be more readily disseminated
than truth, and the latter is heard with reluc-
tance if repugnant to popular prejudice. From
the year 1776, I have been a decided and avowed
advocate for a representative, or republican
form of government, as singularly established by
our state and national constitutions. It is my
sincere wish that freedom should be governed
by their representatives, fairly and freely elected
by that class of citizens, described in our
bill of rights, 'who have property in a com-
mon interest, with, and an attachment to, the
community.'"

"The purposes of civil society are best an-
swered by those governments, where the public
safety, happiness, and prosperity are best se-
cured, whatever may be the constitution or
form of government; but the history of man-
kind (in ancient and modern times) informs us
that a monarchy may be free, and that a re-
public may be a tyranny. The true test of
liberty, is in the practical enjoyment of pro-
tection to the person and the property of the citi-
zen, from all enquiry. Where the same laws
govern the whole society without any distinc-
tion, and there is no power to discriminate
the execution of the laws; where justice is im-
partially and speedily administered, and the
poorest man in the community may obtain re-
dress against the most wealthy and powerful,
and riches afford no protection to violence; and
where the person and property of every man
are equally secured, and no man is privileged
to try the people are free. This is our present sit-
uation. Where law is uncertain, partial, or ar-
bitrary; where justice is not impartially ad-
ministered to all; where property is insecure,
and the person is liable to insult and violence,
without redress by law, the people are not free,
whatever may be their form of government. To
this situation, I greatly fear we are fast ap-
proaching!"

"You know, gentlemen, that our state and na-
tional institutions were framed to secure to ev-
ery member of the society, equal liberty and
equal rights; but the late alteration of the fed-
eral judiciary by the abolition of the offices of
the sixteen circuit judges, and the recent change
in our state constitution, by the establishing of
universal suffrage, and the further alteration
that is contemplated in our state judiciary (if
adopted) will, in my judgment, take away all
the security and personal liberty of the citizen.
The independence of the national judiciary, is
already shaken to its foundation, and the vir-
tue of the people can alone restore it. The in-
dependence of the judges of this state will be
entirely destroyed, if the bill for the abolition
of the two supreme courts should be ratified
by the next general assembly. The change of
the state constitution, by allowing universal
suffrage, will, in my opinion, certainly and
rapidly destroy all protection to property, and
all security to personal liberty; and our repub-
lican constitution will sink into a mobocracy,
the worst of all possible governments."

"I can only lament, that the main pillar of
our state constitution, has already been thrown
down by the establishment of universal suf-
frage. By this shock alone, the whole building
totters to its base, and will crumble into ruins,
before many years elapse, unless it be restored
to its original state. If the independence of
your state judges, which your bill of rights
wisely declares 'to be essential to the impar-
tial administration of justice, and the great se-
curity to the rights and liberties of the people,'
shall be taken away by the ratification of the
bill passed for that purpose, it will precipitate
the destruction of your whole state constitu-
tion; and there will be nothing left in it, worthy
the care or support of freemen."

"I cannot but remember the great and patri-
otic characters, by whom your state constitution
was framed. I cannot but recollect that at-
tempts were then made in favor of universal
suffrage; and to render the judges dependent
upon the legislature. You may believe, that
the gentlemen who framed your constitution,
possessed the full confidence of the people of
Maryland, and that they were esteemed for
their talents and patriotism, and for their pub-
lic and private virtues. You must have heard
that many of them held the highest civil and
military stations, and that they, at every risk

and danger, assisted to obtain and establish
your independence. Their names are enrolled
on the journals of the first Congress, and they
have been in the proceedings of the convention
that framed our form of government. With
great concern I observe, that the sons of some
of these characters have united to pull down
the beautiful fabric of wisdom and republicanism,
which their fathers erected!"

"The declarations, respecting the natural
rights of man, which originated from the claim
of the British parliament to make laws to bind
America in all cases whatsoever; the publica-
tion, since that period, of visionary and theo-
retical writers, asserting that rights which
society are entitled to exercise rights which
they possessed in a state of nature; and the
modern doctrines of our late reformers, that all
men, in a state of society, are entitled to enjoy
equal liberty and equal rights, have brought
this crisis in a state of nature; and I do not believe
it will rapidly progress, until peace and order,
freedom and property, shall be destroyed. Our
people are taught as a political creed, that men,
living under an established government, are
nevertheless entitled to exercise certain rights
which they possessed in a state of nature; and
that every member of this government is en-
titled to enjoy an equality of liberty and
rights."

"I have long since subscribed to the opinion,
that there could be no rights of man in a state
of nature, previous to the institution of soci-
ety; and that liberty, properly speaking, could
not exist in a state of nature. I do not believe
that any number of men ever existed together
in a state of nature without some head, leader
or chief, whose advice they followed, or whose
precepts they obeyed. I really consider a state
of nature as a creature of the imagination only,
although great names give a sanction to a con-
trary opinion. In my opinion, the impracticable
idea of a state of nature, is an attempt to trace
the establishment of any form of government, to
security to their persons and property, from vi-
olence; destroy the security to either, and you
tear up society by the roots. It appears to me
that the institution of government is really no
sacrifice made, as some writers contend, to nat-
ural liberty, but that it is a necessary condition
of the formation of some species of government, a
state of liberty could not exist. It seems to
me that personal liberty and rights, can only be
acquired by becoming a member of a commu-
nity, which gives the protection of the whole
to every individual. Without this protection
it would, in my opinion, be impracticable to
enjoy personal liberty or rights. From hence
I conclude that liberty, and rights, (and also
property) must spring out of civil society, and
must be forever subjected to the modification
of particular governments. I hold the position
clear and safe, that all the rights of man can be
derived only from the conventions of society,
and may with propriety be called social rights."

"I cheerfully subscribe to the doctrine of equal
liberty and equal rights, if properly explained.
I understand by equality of liberty and rights,
only this, that every citizen, without respect
to rank, or condition, should enjoy an equal
share of civil liberty; an equal protection from
the laws, and an equal security for his person
and property. Any other interpretation of
these terms, is in my judgment, destructive of
all government and all laws. If I am subst-
stantially correct in these sentiments, it is un-
necessary to make any application of them, and
I will only ask two questions. Will justice be
impartially administered by judges dependant
on the legislature for their continuance in office,
and also for their support? Will liberty or
property be protected or secured, by laws made
by representatives chosen by electors, who have
no property in a common interest, or attach-
ment to, the community?"

"He was found guilty on a vote of eighteen to
sixteen, and on the eighth there were nineteen
for conviction and fifteen for acquittal. Any
gentleman who will read these charges, will see
that no more flagrant conduct has been manifest-
ed on the bench since the days of Judge Jeffries.
The effort of Judge Chase was to excite the
slightest expression of disrespect to the
President, or his family, or his cabinet. The
administration of Mr. Adams was particularly
marked. It was intended to perpetuate his
power. He succeeded General Washington, and
he carried on a system of personal power, and
finally perished by the sword of the subver-

sion of the government. He had a pretence for a war
against France and a large standing army, when
there was no prospect of war at all. Then, as
part and parcel of the same measure, he had an
alien law, to enable him to send out of the
country all those who were disaffected to the
government. He had a law to suspend the
habeas corpus, and he had a law to indict and
punish a man at pleasure, for any word spoken
disrespectfully of the President of the United
States, his family, or his cabinet. For that,
many men were made to suffer, and among
others was a gentleman from Vermont, (Matthew
Lyons), who afterwards presented the state of
Kentucky in the congress of the United States.
Part and parcel of the same was a system of di-
rect taxation, and also of indirect taxation in
the shape of excise. His standing army, his
alien and sedition law, and his system of internal
taxation, together with such men as Judge
Chase, constituted a machinery by which he cal-
culated to perpetuate his power and subvert the
government of the United States."

"There was a great deal of virtue in public sen-
tence, and there my worthy friend from Bour-
bon will hold the public voice expressed, was
by no means honorable to the American char-
acter. From one end of the continent to the
other there was a voice raised against him and
his measures, and the public sentiment, notwith-
standing the lever of his power, his large army,
his alien and sedition law, and his whole system
of taxation, together with such men as Judge
Chase, constituted a machinery by which he cal-
culated to perpetuate his power and subvert the
government of the United States."

"The fair and liberal meaning of which is
that he bought the office for his daughter,
from his brother Ben. We have in Nelson as
fair a clerk as any in the world. Mr. Slaughter
and the report is that thirty two years ago, his
father gave two thousand dollars for the office.
Now, that embraces the three clerkships in the
county of Bullitt, it is reported that Noah Summers
bought George Pope out; and in the county of
Spencer, it is also said the county clerk's
office was likewise sold. I do not know whether
the clerk of Marion—"

Mr. KELLY. I will not permit any such
charges to be made in my presence against a
dead brother.

Mr. HARDIN. Now, the gentlemen says he
will permit any charge to be made against a
hissed brother. I would be very loath to make
any charges upon his father, or his brother. I
was speaking in reference to clerkships being
sold like horses in the street.

The sheriff of Marion county advertised his
office, and it was bid for like horses in the
streets. One man bid eight hundred dollars for it,
and another man bid nine hundred dollars for it,
and the high sheriff, and it was put up again
for a second time, and sold for one hundred and
ten dollars less. The high sheriff sold the first
bidder, and the defendant engaged myself and
colleague for the purpose of defending him, but I
at any rate would have given a bonus of ten
speech, and would have given a bonus of ten

The honorable gentleman said there was a man
by the name of John Quincy Adams who voted
for Judge Chase at the end. Do you know the
history of John Quincy Adams? He was the
supporter of his father to the end, and of Judge
Chase, at the time of his trial. But a year or
two afterwards he got the benefit of a spring
plank and turned a summer to the republicans,
but this was not before Judge Chase was
tried. The gentleman said I supported John Q.
Adams, and I will support him to the end. If
I had after a session to tell him, in a speech
which I made in congress in 1835, I had support-
ed him, and I will support him to the end. That speech
was published and copies were sent to my friends
over this state.

Mr. DAVIS. I trust the gentleman will not
make any more references to somersets on this
floor.

Mr. HARDIN. Very well, I will not, but I am
sure it will not do my honorable friend from
Bourbon any harm. I do not know to trace the
gentleman's allusions. But to resume, I sup-
ported John Quincy Adams' election, because
his father was a man of great talents, and a
man of great integrity, and a man of great
virtue. Another reason for standing
up for Kentucky, was, at the time I entered upon
political life, thirty nine years ago, we had no
such parties as whig and democrat, and every
one knows that I could not join the federal ranks
on account of the clothes and powder. On the
death of Governor Madison I was against the
new election, and also in favor of Judge Clark,
because I thought he was right. When the ques-
tion came up in relation to breaking the old
judges by address, I was against the address and
also against the new court.

Afterward I fought in the whig ranks, and if
I had been a whig I should have fought faithfully.
I have, and I have been fighting for it ever
since. I believe their great doctrines are subst-
stantially right; I believe the labor of America
must be protected against the pauper labor of
Europe. I believe in rotation in office, for it
gives every man a chance, and it is the finest
thing in our government. I believe in those in
office, I have never wavered, and the gentleman from
Bourbon thinks I alluded to him, I did not; he
is as firm as the rock of Gibraltar which cannot
be battered down by a puggon or a pocket pis-
tol.

It will be no labor to trace my position. That
has been so traced that any man can see, and
read it. But sir, I do not attempt to trace the
position of my honorable colleague. He has the
advantage of me in that particular. If I were
asked in what part of the Heavens the Aurora
Borealis dwelleth, how could I tell?

As the poet says:

"Like the Borealis race
That fits ere you can point its place."

I repeat again that I went for Adams because
they endeavored to prove bargain, sale, and cor-
ruption, on six or seven men of my state. If
my country is about to go to war, I will prevent
it if I can, but if she goes into war, I will help
her. This is the manner in which I acted during
the late war with Mexico. If a man, living in
another state, should say that six or seven
men in Kentucky had sold themselves, I should
hardly stop to inquire if I should go for Ken-
tucky in a moment.

I extremely regret to have any difficulty
with any gentleman. I regretted the speech
of my honorable colleague a few days since.

I attack no gentleman, and I do not in-
tend to do so, but I will defend myself. I have
been a consistent whig and intend to do so; but
I appeal to the democrats, if I have not fought
them honorably, if I have ever treated them
with disrespect. One reason, among others,
why I struck for a convention, was the practice
of the governors of Kentucky, in filling the of-
fices of the whigs, and I believe the offices
should be distributed without reference to
politics. I believe the result would be that
when the elections of the country were thrown
into the hands of the people, those elections
would be without party feeling. I saw that the
power and patronage were getting into the
hands of the whigs, and I struck for a con-
vention. I saw that three or four governors more
would root out all the democrats as clean as the
diggers of digging dug it up, and carried it off
to China. I cannot see the principle that requires
two thirds.

We are a government of the people,
and in all our operations the government is
based on the hypothesis that the people are
competent to govern; and if competent to gov-
ern, how are they competent to govern? Why,
by majorities, and every government of a minor-
ity is a tyranny, call it by what name you will.
I know that the honorable delegate from Bour-
bon, who said that he did not trust the people,
knows sometimes run off with a great deal
of feeling; but whom shall we trust? Are we to
trust the appointing power in the hands of the gov-
ernor? Surely not. We have tried that, and it has
failed. Are we to trust it in the hands of the mem-
bers of the legislature? God forbid. I do not
know how we are to understand the course
which my friend from Bourbon pointed out; but
I think we once had a practice in this state sim-
ilar to that which he recommended, and if so, I
have a deep-rooted objection to it. We know
that the state of Kentucky has been scandalized
by the sale of the sheriff's and clerk's offices.
In two cases, the clerks of the circuit
courts have bought their offices. General
Allen was made clerk of Green county in 1793,
and the report was that he sold the office to a
man named Jack Barret. The judge appointed
Jack Barret, his vendee, and the office has been
held by one or the other for the period of fifty
years. How was it in Hardin county? Ben.
Helm was elected clerk in 1797, and Mr. Hay-
craft, the present incumbent, when a boy, was
brought into his office and raised there, and a
very pretty boy he was. Mr. Helm had a niece
as pretty as he. They were married, and lived
at last he married Sally Helm. Ben. Helm, the
uncle of Sally, resigned, and seemed to give
Haycraft up the office. John Helm, the father
of Sally, at the age of eighty, died. In his will
he distributed his property among his children,
but he said, "I charge Sally with \$3,000, and
my brother Ben. can tell what became of the
money." The fair and liberal meaning of which
is that he bought the office for his daughter,
from his brother Ben. We have in Nelson as
fair a clerk as any in the world. Mr. Slaughter
and the report is that thirty two years ago, his
father gave two thousand dollars for the office.
Now, that embraces the three clerkships in the
county of Bullitt, it is reported that Noah Summers
bought George Pope out; and in the county of
Spencer, it is also said the county clerk's
office was likewise sold. I do not know whether
the clerk of Marion—"

Mr. KELLY. I will not permit any such
charges to be made in my presence against a
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Mr. HARDIN. Now, the gentlemen says he
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and another man bid nine hundred dollars for it,
and the high sheriff, and it was put up again
for a second time, and sold for one hundred and
ten dollars less. The high sheriff sold the first
bidder, and the defendant engaged myself and
colleague for the purpose of defending him, but I
at any rate would have given a bonus of ten
speech, and would have given a bonus of ten

dollars, rather than not to have made the
speech, but the suit was withdrawn.

Where then are you to vest the appointing
power? Do you mean to give it to the people?
It is a general practice for them to select the
members of their own family for these offices?
I ask with all possible respect towards the
judges, do you know of a single instance in
which a new county has been made, and a clerk
appointed, that the judge did not appoint the
members of his own family to the office? If
there has been such an instance, it has escaped
my observation. Where then is the appointing
power to be vested? Is it to remain where it is?
Surely not. Is it to remain with the judges as
to the clerks? Surely not. Is it to remain with
the governor, when we have seen how it has
been exercised, during the last ten or fifteen
years. Certainly not; because it will be the source
of every species of intrigue and favoritism.
Shall the members of the house of representa-
tives appoint state officers? Surely not; for it
will be a source of outrageous corruption.
Shall it be given to the members from each
county? Surely not; for they would soon be
selling these appointments, as the members
of the parliament of Great Britain do.

Now as to this branching business of the
court of appeals, I wish here to submit a few
remarks. I am against it altogether, and I will
declare now, as I have frequently done, that I
have been before the people in one way or an-
other for some thirty nine years, and I have never
heard it once demanded by the public sentiment.
The court of appeals is the court of the state,
and there is a fitness in its being held at the
capital of the state. The governor and all the
state officers reside here, and the people are in
the habit of resorting here to transact their busi-
ness with the government. It was necessary,
therefore, to the symmetry of the operations of
our government that the court being for the state
at large should hold its sessions wherever was
the seat of government. But we were told by
gentlemen from the southern and south-west-
ern portions of the state, that the people desire
it to be branched. I have never heard the peo-
ple say a word on the subject, but I will say that
the lawyers want it. And in that I do not think
I am mistaken, nor do I intend any disrespect
whatever to the lawyers when I say it. It is an
honorable profession, and one that controls, in a
great degree, public sentiment, and one also that,
from time to time, has done a great deal towards
saving this state from anarchy and confusion.

But how are the people to be benefited? Why,
the gentleman, it is a matter of great im-
portance that the lawyer who argues a case in
the court below, must come up and argue it in
the court above. Could not the lawyer write
out his argument and send it here? Is it not
the every day practice for lawyers who live far
away even as Hickman county to write out
their arguments and send them to the court
here? I tell you a well written argument is of
more weight than the best oral one ever
made in court. There is the only place where
these lawyers send their arguments. It is no in-
convenience for these lawyers to send their argu-
ments here, and the people are continually coming
here from every county, and there is scarce a
week in the year when an opportunity will not
thereby be offered of sending them. But sup-
posing that there were the four branches of the
court established, I ask if it will administer to
the convenience of more people, than would be
the case if all the sessions of the court were
held here? Suppose one of the branches to be
located at Mount Sterling, and there my friend
over the way declares it must be, and there, I
think from its central location, it ought to be.

Mr. APPERSON. The gentleman is mis-
taken, I assure you.

Mr. HARDIN. But you think so, and we all
know that it is a central point, and that in all
probability, if the court is branched, it will go
there. Now is it not more convenient for a ma-
jority of the people of the northern district,
down to the mouth of the Kentucky, and up the
Ohio river, than to come here, and then to come
back, through the mud, to Mount Sterling, and
the court will be either there or at Owensville,
if there is to be four districts—and if there is
three, it will be at Paris. Is it not more con-
venient for that people to come here, especially
when most of them will have other business to
transact here? Well, suppose the branch in the
next district to be held either at Harrodsburg
or Danville, I ask if it would not be more con-
venient for the people of Shelby, Hardin, Trimble,
Oldham, Jefferson, Bullitt, Spencer and
Nelson to come to this place than to go to either
of the others? I should like to see you (Mr. C.
A. Wickliffe) riding through the mud just to
pay for your advocacy of this proposition of
branching. Suppose that the branch in the
next district should be held at Greensburg,
Munfordsville, or Glasgow, would it be more
convenient for the people of Breckinridge, Da-
vidson, Ohio, and Meade to go to either of those
places than to come here? Then, I ask my
friend from Daviess, will Mahomet go to the
mountain, or the mountain go to Mah

others from practice in that court? Litigants went to them under dread of the judge and clerk, and that drove other lawyers from that bar. And they drove also, but a large class of the greatest men of the age. It cannot be otherwise. The judge will have this influence, and that too without being corrupt. I remember what Judge Bibb told me when I received my license. Said he, it is not enough for you to get a license, you must get a reputation. You must get the people. I said I would try to do so. Said he, you must be in mind never to quarrel with the judge, and always if possible, appear to be on familiar terms with him. Why? I said. Because, he replied, it invites business to you, and a contrary course will drive it away from you, if you are ever so sensible. You must get the judge to have no power beyond what the constitution and the laws give him, and I want to give him no temptation to swerve from his duty. Why says the gentleman, he should be voted for by ballot, let him exercise his power upon some voter who had exercised independently his right of suffrage. You say additional reason, and a confession that the judge should not be re-eligible. But I have another reason. When two men become candidates for office, let them be on the same footing. Do not clothe one of them in his black robes, to look wise and sapient, in all his power. You know how wise and dignified they look. Take a lawyer from the bar, put him in the judge's robes, and he becomes a most dignified character, and generally puts on two or three pairs of spectacles to look deeper into the books than any other man. And put him in a position to elector before the people, and they will wonder almost how such a man come to get into the world. Let him come before the people as he has got to come on the day of judgment, without robes, without office, and like the man who competes with him for the office.

Nothing in the world so purifies and clarifies the political atmosphere as rotation in office; give no man a life estate in office. What is the principle that fostered the growth of the republic until from a small city it grew to a power that overran the world. It was rotation in office—that no man who filled an office for the first year should be re-eligible the second. That principle was first broken in upon by Caisarius Marius, and from that day may be dated the downfall of the Roman republic. You give your political atmosphere by rotation in office. You tell your aspiring young men, pursue your studies and come on, for the public stations are open to you, and you are not to be placed under the disadvantage of competing with the man who has a thousand litigants depending upon him. It is said that we should not let him be re-eligible until we increase his term of office. Is not eight years long enough? We know that it is often necessary to take the old trees out of the forest to give the younger ones air and room to grow. But I have no particular desire about the term; I do not want a man to be an umpire on the bench, and at the same time a candidate for office. If he is to be an umpire on the bench, do not let him at the same time be a seigneur in the political arena seeking for votes. Make him independent.

I do not know that I shall trouble the convention with any more remarks, and I have thrown out these few topics, which I may be able, if I choose, hereafter, to write out my speech, to enlarge upon as I please.

Mr. C. A. WICKLIFFE. I do not intend at this time, Mr. President, to notice many of the remarks of my colleague, which would, under other circumstances, demand and receive an immediate response from me. This is not a theatre for the exhibition of any private grudge, which he may feel or imagine; neither is it fit at this time that I should repel, with appropriate rebuke, the personal allusions to myself, foreign from the question under consideration. When the gentleman made his *debut* in this house on his majority principle, in reply to the few remarks I made in opposition to his motion, he charged me with uttering the language of a monarchist and courtier.

My colleague has known me well. He could not expect to have escaped the remarks which his reckless charge invited. He looked for a vindication of the principles and opinions uttered by me. He perhaps little thought that I should have drawn for that vindication upon the productions of his own mind, given to the public at a time when sound principles pervaded it; when his vigor had not been made to totter under the influences of circumstances which have surrounded him.

We have spent so much time on this article concerning the appellate court, that I cannot now throw myself upon the indulgence of this body long enough to notice the allusions which I understand to be personal; but a proper time will be presented, perhaps, when the gentleman's report shall come up, and I shall be able to give the indulgence of the convention to do myself justice, and also to bestow some attention upon my colleague.

The question before the convention, if I understand it, though I could not learn it from the speech of the gentleman, is to insert into the constitution the principle that the power of removing the judges of the court of appeals whom the people have elected. This question has been discussed in committee of the whole, the vote has been taken there, and I am anxious that it should be taken in the house. The gentleman has called for the eyes and ears, and I am prepared to record my vote in opposition to him; and I shall be prepared to defend that vote before our common constituency if he shall select that theatre for the purpose. So far as respects my political opinions in reference to other matters which have divided this country in times past and now divide it, I have at present this much to say: Whatever may have been my errors in the exercise of the functions with which a confiding country have from time to time invested me, I have yet the first man to charge me with dishonesty of purpose or intentional error. I have been able to stand before an opposing constituency, and if I have been unsuccessful in vindicating the correctness of the opinions I entertained, I have at least commanded their respect and personal confidence. I have stood my ground in my own country, neither have I elsewhere been found to flee before my fellow citizens.

I will say now, I am anxious that this convention shall proceed with its business, and I am now prepared to vote on all the propositions that have been so fully, ably, and elaborately discussed in committee of the whole, and when the convention has more patience and leisure, I may notice some of the remarks, personal to myself, my colleague has made.

Mr. RUD. I voted against the amendment of the gentleman from Nelson (Mr. Hardin) in committee of the whole, to strike out "two thirds" and insert "a majority." My object was to insert three fifths, instead of either two thirds or a majority.

I consider it almost impossible in any state of the question, unless the grossest conduct on the part of the judge, to remove a judge from office by the two thirds principle. A man must be base indeed, if he could not, in a body of one hundred and thirty-eight, obtain forty-six votes. I ask the house in all sincerity, if a man ought to be permitted to sit in judgment upon the rights of his fellow citizens, if he is unable to obtain forty-six votes in his favor? I am in favor of the independence of the judiciary, still I do not want the judge to be wholly irresponsible. I want to make him responsible to the people from whom his power emanates. If it were in order to do so, I would ask for a division of the question.

Mr. BRADLEY. I shall vote for the motion to strike out, with the view that when the question comes to be put upon filling the blank, it may be filled by the insertion of three-fifths of the legislature, as to give the impeaching power to three-fifths of the legislature, I prefer that to two-thirds.

Mr. C. A. WICKLIFFE. There can be no necessity for its re-commitment, as the only alteration

The yeas and nays being taken, resulted as follows:

YEAS—John S. Barlow, Alfred Boyd, William Bradley, Benjamin Copelin, Edward Curd, Green Forrest, Nathan Gaitner, Selmeus Garfield, Richard D. Gholson, Thomas J. Gough, James P. Hamilton, Ben. Hardin, William Hendrix, Thomas James, Hugh Newell, Elijah F. Nuttall, Ira Root, James Rudd, William R. Thompson, John J. Thurman, John Wheeler, Robert N. Wickliffe—32.

NAYS—Mr. President, (Guthrie), Richard Apperson, John L. Ballinger, William K. Bowling, Luther Brawner, Francis M. Bristow, Thomas D. Brown, William C. Bullitt, Charles Chambers, William Chenuatt, Beverly L. Clarke, Jesse Coffey, Henry R. D. Coleman, William Cowper, Garrett Dudley, Desha, Archibald Dixon, Ira Dudley, Chastain T. Dunavan, Benjamin F. Edwards, Milford Elliott, James H. Garrard, Ninian E. Gray, John Hargis, Vincent S. Hay, Mark E. Huston, James W. Irwin, Alfred M. Jackson, William Johnson, George W. Johnston, George W. Kavanaugh, Charles C. Kelly, James M. Lackey, Peter Lashbrook, Thomas N. Lindsey, Thomas W. Lisle, Willis B. Machen, George W. Mansfield, Alexander K. Marshall, William C. Marshall, Wm. N. Marshall, Richard L. Mayes, Nathan McClure, John H. McHenry, David Meriwether, William D. Mitchell, Thomas P. Moore, John D. Morris, James M. Nesbitt, Henry B. Pollard, William Preston, Johnson Price, Larvin J. Proctor, John T. Robinson, Thomas N. Rogers, John T. Rogers, Ignatius A. Spaulding, John W. Stevenson, James W. Stone, Michael L. Stoner, Albert G. Talbot, John D. Taylor, Howard Todd, Philip Triplett, Squire Turner, John L. Waller, Henry Washington, Andrew S. White, Charles A. Wickliffe, George W. Williams, Silas Woodson—71.

Mr. BOYD then moved to strike out in the second line the word "eight" and insert the word "six," so as to reduce the term for which the judges should serve. He said he thought it would be at least more satisfactory to his constituents that the term should not be longer than six years.

Mr. BRADLEY. I shall vote for the motion to strike out "eight" and insert "six," believing that the term will best suit those whom I have the honor to represent; and if the amendment shall prevail, of which I have not much hope, I shall, at the proper time and place, move to strike out four judges and insert three. I will state here, that I am for the branching system, I am now in favor of three districts, and three judges, with a term of office of six years, and this will enable them to have an election every two years. This is the view that will control the vote that I am about to give.

Mr. MACHEN. I shall vote against the amendment, and I will very briefly state the reasons why I shall do so. I came here with predilections in favor of a six years term of office for the judges, and that no officer should be in office for a longer period than six years. I came, however with the expectation that perhaps the number of judges would be continued as at present. For reasons which are satisfactory to my mind, I am now in favor of the appointment of three judges. There is a principle connected with the election of the judiciary, which I conceive very important to be maintained; it is that one of these judges shall pass out of office every two years, and that the people of the district in which he resides, or in which he was elected, shall have the privilege of choosing another to fill his place. But if we strike out "eight" and insert "six," we shall necessarily destroy that principle which, it seems to me, so important to preserve.

Mr. BRADLEY. There is but little difference between the views of the gentleman from Caldwell and myself. The propriety of having an election every two years, I fully appreciate, and this can be attained by the tenure of six years, having three judges and three districts. I have come to the conclusion that this is perfectly practicable, and I am entirely in favor of it.

Mr. BARLOW called for the yeas and nays. The yeas and nays were then taken upon the motion to strike out "eight" and insert "six," with the following result:

YEAS—John S. Barlow, Alfred Boyd, William Bradley, Luther Brawner, Jesse Coffey, Henry R. D. Coleman, Benjamin Copelin, Edward Curd, Lucius Desha, Milford Elliott, Nathan Gaitner, James P. Hamilton, Ben. Hardin, John Hargis, Thomas James, Hugh Newell, Elijah F. Nuttall, Ira Root, Ignatius A. Spaulding, Michael L. Stoner, Albert G. Talbot, John D. Taylor, Howard Todd, Philip Triplett, Squire Turner, John L. Waller, Henry Washington, Andrew S. White, Charles A. Wickliffe, Robert N. Wickliffe, George W. Williams—56.

The fourth section was then read by the secretary.

Mr. HARDIN moved to strike out "four" and insert "three," in the first line, which is in these words, "the court of appeals shall consist of four judges," &c. On this he called for the yeas and nays.

The yeas and nays were taken upon this question, and resulted as follows:

YEAS—John L. Ballinger, John S. Barlow, William K. Bowling, Alfred Boyd, William Bradley, Luther Brawner, Thomas D. Brown, William C. Bullitt, Charles Chambers, William Chenuatt, Jesse Coffey, Henry R. D. Coleman, Benjamin Copelin, Garrett Davis, Lucius Desha, James Dudley, Milford Elliott, Green Forrest, Nathan Gaitner, Selmeus Garfield, Richard D. Gholson, Thomas J. Gough, James P. Hamilton, Ben. Hardin, John Hargis, Vincent S. Hay, William Hendrix, Mark E. Huston, James W. Irwin, William Johnson, George W. Johnston, George W. Kavanaugh, Charles C. Kelly, James M. Lackey, Thomas W. Lisle, George W. Mansfield, Alexander K. Marshall, William C. Marshall, Wm. N. Marshall, Richard L. Mayes, John H. McHenry, David Meriwether, William D. Mitchell, Thomas P. Moore, John D. Morris, James M. Nesbitt, Henry B. Pollard, William Preston, Johnson Price, Larvin J. Proctor, John T. Robinson, Thomas N. Rogers, John T. Rogers, Ignatius A. Spaulding, John W. Stevenson, James W. Stone, Michael L. Stoner, John J. Thurman, Howard Todd, John L. Waller, Henry Washington, John Wheeler, Andrew S. White, Robert N. Wickliffe, Geo. W. Williams, Silas Woodson—53.

NAYS—Mr. President, (Guthrie), Richard Apperson, Francis M. Bristow, Beverly L. Clarke, William Cowper, Edward Curd, Archibald Dixon, Chastain T. Dunavan, Benjamin F. Edwards, Selmeus Garfield, James H. Garrard, Richard D. Gholson, Ninian E. Gray, Thomas James, George W. Johnston, Peter Lashbrook, Thomas N. Lindsey, Willis B. Machen, Richard L. Mayes, John H. McHenry, David Meriwether, William D. Mitchell, Thomas P. Moore, John D. Morris, James M. Nesbitt, Elijah F. Nuttall, William Preston, Larvin J. Proctor, John T. Robinson, John T. Rogers, Ira Root, James Rudd, Albert G. Talbot, John D. Taylor, William R. Thompson, Philip Triplett, Squire Turner, C. A. Wickliffe—38.

Mr. TRIPLETT. As the vote which has just been taken, appears to have been given upon deliberation and reflection, and as there is little probability that the decision just arrived at will be changed, it appears to me it will be better to re-commit the bill to the committee from which it emanated, in order that they may remodel it, so as to make it suit this expression of the views of the house. I think it will be saving of time, and that it will prevent those errors which will probably creep in, if we attempt to re-construct the bill in the house.

Mr. C. A. WICKLIFFE. There can be no necessity for its re-commitment, as the only alteration

to be made are mere verbal alterations, that will be made to every gentleman.

Mr. TURNER. I do not believe, sir, I am not at all conversant with the bill. The jurisdiction of the house has been expressed in the vote just taken. Nor do I think it necessary to change the phraseology of the bill throughout until it shall be ascertained whether this reduction in the number of Judges, is the true expression of the sentiment. The two extremes have met, for the purpose of breaking down the branching system. I know that I was asked to do that purpose. I am against the branching, and in favor of having four judges, and I hope we shall get back to four judges. I do not wish to change the phraseology of the bill until we shall ascertain whether this will be so.

Mr. DIXON. A difficulty presents itself to my mind as the bill now stands. It provides for four districts, and only three judges to be elected. There will consequently be one district that will have no part in electing a judge. I believe we shall have to come back to the number of four, or give up the bill.

Mr. WICKLIFFE. I do not know whether I distinctly understand the gentleman from Madison (Mr. Turner). I think the gentleman is certainly mistaken, in supposing the vote just taken was not an expression of the judgment of the house, or that there is a desire to break down the branching of the courts, or the sitting of the courts in districts. I do not know what may have induced the gentleman to be so willing to acquiesce in the decision of the majority, and I presume the vote has been given upon sober and sound reflection. I understand it has been decided that the court shall consist of three judges, instead of four, and that they are to be elected for eight years, and to serve eight years, if they continue in office so long as a very decided vote of this house. I presume that the election is designed to be by districts, and with the delegate from Madison, I desire that the house shall proceed with its deliberations upon this article, until we shall decide in some way, if they continue in office so long as a very decided vote of this house. I presume that the election is designed to be by districts, and with the delegate from Madison, I desire that the house shall proceed with its deliberations upon this article, until we shall decide in some way, if they continue in office so long as a very decided vote of this house. I presume that the election is designed to be by districts, and with the delegate from Madison, I desire that the house shall proceed with its deliberations upon this article, until we shall decide in some way, if they continue in office so long as a very decided vote of this house. 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FRANKFORT.

SATURDAY, NOVEMBER 3, 1849.

JOHN W. FINNELL, Editor.

The New York Evening Post of the 26th inst., publishes a long letter from SALMON P. CHASE, United States Senator of Ohio, who is a violent abolitionist, defining his position as to politics and slavery. The Post says: "Mr. Chase desires to be regarded as a radical, anti-slavery Democrat."

The story that Mr. Bonisco, the Russian Minister had been recalled and banished to Siberia, by the Emperor, because of his having invested a portion of his estate in stocks and other property in the United States, is denied by the wife of the Minister, in a card which appears in the New York papers. She says that M. Bonisco is now on his way to the United States.

The foreign news by the steamship Europa, is of a highly interesting character. The arrogant demand of the Emperor Nicholas for the delivery of the Hungarian Exiles, has been refused by the Sultan. It remains to be seen whether Russia will follow up her threat to regard the refusal to deliver, a cause of war. The position assumed by England and France in the matter, may have the effect to change the plans and purposes of the Emperor.

There is one terrible bad feature in the conduct of the government of Turkey. It was suggested that the Polish and Hungarian refugees in Turkey, who failed, or refused to embrace the religion of the Musselmans, would be surrendered to the Russians. Several of the officers and soldiers accepted the terms, others hesitated, but were inclined to accept the terms; but Kosuth replied as became the truly great and noble man. He indignantly refused, and says there can be no choice between death and shame.

"Now, we don't know how it is with General Taylor, nor does any body care. He is nothing but a fat, stinging old gentleman, provided with board and lodging and \$25,000 a year, for four years, at Washington, because he whipt the Mexicans."

We clip the foregoing from the first article under the editorial head in the Louisville Democrat of Friday last. Can it be from the pen of Mr. HARNEY, late President of the Louisville College? We sincerely hope not. Not that we are particularly concerned as to what the Democrat may say of General Taylor or his friends. Slander and vituperation work harm to no one. But for Professor Harney's sake, we hope he may not be the author of the article from which we clip the foregoing.

WILSON H. RANKIN has been appointed Post Master at Paris, in the place of Dr. J. H. Holt, removed.

The editor of the Richmond (Ky.) Chronicle opposes that feature in the report of the committee of the convention on the Legislative Department, which proposes to invest the Legislature with the power to require the free blacks to leave the State.

The hog market at Cincinnati is very dull and unpromising. But few hogs have yet been driven to that market, and the price seems not yet to be fixed. Dealers and packers are holding back—they seem to be unwilling to buy at any price.

AMOS B. CORWINE, Esq., one of the proprietors of the Cincinnati Chronicle and Atlas, has been appointed by the President, Consul to Panama. We are rejoiced at this appointment. The office is an important one, and it could not have been bestowed upon a more trustworthy and excellent gentleman.

We learn from the Lexington Atlas, that there are two or three cases of small pox in Lexington. A guard has been placed around the houses in which the patients are confined, and all necessary precautions have been taken to prevent the spreading of the disease.

It is said that two or three cases have occurred recently in Paris.

The question is frequently asked, what will the convention do? It is really difficult to foretell with much certainty what will be done. Gentlemen are divided in opinion pretty nearly as much in regard to what will be done, as they are as to what ought to be done. We find the following letter from Col. Moore, the delegate from Mercer, in the *Playhouse* of the 1st instant, which will be found to contain a very clear statement of what the Colonel thinks the convention will do:

FRANKFORT, October 29, 1849.

You ask me what the convention is doing, and what it is likely to do. I can readily answer the first question, and think I can approximate to a correct answer to the last.

Much of the business of the convention is still before its committees, who are laboring to perfect such a system of reform as was indicated by popular opinion, prior to the late election. Some important topics, however, have been brought before the convention, which are not busily engaged in listening to some very good, and many very indifferent speeches thereon.

My intercourse with the members of the convention, enables me to predict with some confidence, that their labors will terminate in the following results, viz:

1st. A Legislature to be elected, and to hold its session once in two years.

2d. A judiciary composed of a court of appeals, and circuit and county courts, the judges of which are to be elected by the people for fixed terms, and to be re-eligible.

The judges of the court of appeals to be elected for the term of six or eight years; but whether by districts or by the state at large, seems not yet to be settled, nor is it known whether they will hold all their sessions in the capital, or alternately in districts formed of different sections of the state.

The circuit court judges will be elected for four or six years, and their number will be considerably reduced.

The county court judges will probably be elected for a shorter term than the circuit judges. The opinion seems to be general, that to secure good judges, higher salaries must be paid than heretofore, and more labor imposed; and something has been said about fixing the salaries by a constitutional provision; but the better opinion seems to be, that the subject ought to be left to the legislature.

A proposition to authorize a majority of the legislature to remove judges has been voted down, and there is much diversity of opinion as to the manner of removal, which, it is conceded, may sometimes be necessary.

3d. The governor and lieutenant governor will be elected for four years; but the governor will be stripped of power and patronage as to leave him but little more than an agent to perform a

few specific acts, which might, perhaps be as well done by an ordinary clerk.

4th. Clerks of courts will be elected for the same terms as judges; but to render a man eligible, he will be required to have a certificate of his qualifications from the court of appeals.

5th. Sheriffs will be made elective for two years, and be re-eligible for a second term, but not for a third, until they have settled up their accounts, and obtained a *quittance*.

6th. Two constables will be allowed for each Magistrate, to be elected in districts for two years.

7th. Some restrictions will be imposed upon the members of the legislature to borrow money, except for the purpose of repelling an enemy, without the direct approval of a majority of the people.

8th. Slavery will be left as it is, except that in all cases of future manumission, it will be required that the manumitted negro shall be permanently removed from the state. It may be that some provision will be introduced relative to the unfortunate class of colored persons already free.

9th. I trust also, that some provision will be made, having in view a general system of common schools. To this the members of the convention seem well inclined; but what shape the provision will take, is not determined.

The people need have no fear that any of the wild schemes, sprung upon the convention without having undergone discussion in the country, will be adopted. To the reforms demanded by the people, the convention chiefly confine itself. A good democratic constitution will be framed, and I have no doubt, that it will be ratified by a vast majority of the people.

Yours, T. P. MOORE.

GREAT FOOT-RACE.—The best contested foot-race, and the best time, probably, ever made, came off at Buffalo on the 24th instant. The competitors were, Jackson, the American deer, Armstrong, Smoke, Canada, a descendant of the famous runner, some fifteen Indians. There were ten *one mile heats*. Jackson was the favorite, but Canada won every heat. He ran the first mile in 5 minutes 7 seconds; the tenth mile in 5 minutes 24 seconds—the whole ten miles in 55 minutes 49 seconds, and was not visibly fatigued or blown.

CANADA AND ANNEXATION.—CANADA AFFAIRS.—The Montreal Courier has been issued for the last time in its old shape, and is expected to appear in a new dress, as the organ of the Annexationists. The following extract from the Toronto Patriot will show the feeling the annexation movement has stirred up among the Upper Canada Tories:

"We could almost think we dream when we write the undeniable fact that there is no British party in Lower Canada! Do our readers doubt this? Let them read carefully through our paper, and they will find the denunciations of the Tories too truly show how utterly departed seems to be all that loyalty and enthusiasm which was wont to kindle at the mention of the words 'England' and 'home,' from the breasts of those who would once have cheerfully encountered all the terrors of invasion, civil war, and blood-shed, rather than to have away one jot or tittle of their wretched *fealty*."

The artesian well at Grenelle, in France, attained a depth of six hundred and two yards, before a sufficient supply of water could be obtained. Some idea of the difficulties encountered by the projectors, may be had from the fact that, in May 1837, when the boring had extended to the depth of 418 yards, the hollow tube, with nearly ninety yards of the boring rods attached to it, broke and fell to the bottom of the hole, and it was necessary to extract the broken parts before any further progress could be made—a work of fifteen months duration. Similar accidents have frequently attended the operations of the workmen, until at length, in February, 1841, the rods suddenly descended several yards, and in the course of a few hours, the water rose to the surface and discharged itself at the rate of 600,000 gallons per hour. At the extreme depth of 602 yards, the mercury in the barometer rose to the height of 81 degrees, and it is supposed that if the boring had been continued to the depth of 1,000 yards, the temperature of the water would have been 104 degrees, and immediately applicable to bathing establishments and other places where warm water is required.

Successful efforts have been made in the United States to sink artesian wells, of which the most prominent is that now in progress at Charleston, S. C. At the last report the boring had reached the depth of 900 feet without an adequate supply of water having been obtained.

ANOTHER BERRID CITY.—At a meeting of the Ethnological Society in New York last week, an interesting letter was read from Hon. E. G. Squier, our Charge des Affaires at Guatemala, who has already commenced his antiquarian researches and forwarded several curious relics to Washington. He gives an account of the discovery of an ancient city, buried beneath the forest, about 150 miles from Leon, which far surpasses the architectural wonders of Palenque. There are evidently hidden cities upon the western continent far exceeding in size and the grandeur of their monuments the revelations of the Recluse and Pompeii. We anticipate, says the letter, that the most ancient discoveries from the ethnological enthusiasm of Mr. Squier. The Indians everywhere receive him with the utmost kindness, and their chiefs regard him as a heaven-sent minister to protect them from their Spanish oppressors. They are glad to render him every possible assistance in his investigations, and in the condition that he will bring no Spaniard into their village, nor communicate to the priests the secrets they disclose.

There was also read a curious letter addressed to the President of the United States, from the last of the Peruvian Incas, accompanied by a letter from Samuel G. Arnold, of Providence, Mr. Arnold, who has recently returned from South America, met with this venerable Inca, who is ninety years of age. He gives a very graphic account of his appearance, and relates the affecting story of the wrongs of his royal race. He found the princely old priest sitting in the shadow of the Temple of the Sun, engaged in the most beautiful scene for a painter and a theme for a novelist.

BEAUTIFUL EXTRACT.—We meet once in a while a beautiful sentiment going the rounds of the papers that ought to be set in gold. Take the following:

"Weary the other day a touching instance of paternal grief. A friend whom we had known as the most joyous of spirits, and whom we saluted with old-time cordiality, turned the saddest face towards us that we ever encountered. 'I have just buried,' he said, 'the dearest, most affectionate little girl that ever blessed a dotting father's heart.'—and therewith the tears welled to his eyes, and he rolled slowly down his cheeks. We left him with a faint attempt at consolation, thinking, as we passed on, of a remark of Jean Paul: The sweet sorrow for the lost is itself but another form of consolation. When the heart is full of longing for them, it is but another mode of continuing to love them; and we shed tears as well when we think of their departure as when we picture to ourselves our joyful reunion; and the tears, methinks, differ not."

BLEEDING AT THE NOSE.—There is no greater annoyance to some, than frequent bleeding at the nose, and various means are resorted to to check it. Dr. Samuel R. Smith, of Sutton Island, N. Y., has recently communicated to the *Boston Medical Journal* a method of stopping it, which he learned of an old shipmaster. His process was to roll up a piece of paper and place it under the upper lip. Dr. Smith stopped bleeding at the nose continued four days, by tying a knot in a bandage, and applying it on the upper lip, and tying the bandage round the head. The rationale of this treatment is, that pressure at the point mentioned compresses the artery furnishing the blood.—*Daily News*.

REV. DR. FULLER.—We are authorized to state that the impression which is conveyed by a paragraph in a Kentucky newspaper touching the probable removal of the above named distinguished minister to that State, is entirely erroneous. Dr. FULLER has not the most remote idea of leaving Baltimore. The magnitude of the field which he now occupies, and the abundant success which has crowned his ministry, sufficiently guarantee the purpose which he has so often publicly avowed of living and dying a citizen of Baltimore.—*Balt. American*.

A New York letter to the Philadelphia Inquirer says:

There is now on the stocks in this city, a steamboat, which is being built for the purpose of beating the cars on the Hudson river railroad, between this city and Albany. The builder says that he has turned out the fastest steamers in the world (and truly too) but that his previous works are not a circumstance to what he can do.

SPECIAL NOTICES.

IF CAPITAL LODGE, No. 6, I. O. O. F., Frankfort, Ky., meets every Monday night, at their room in Odd Fellows Hall.

D. HARRISON, Sec'y.

November 2, 1849.—2m.

IF PHENIX LODGE, No. 28, I. O. O. F., Frankfort, Ky., meets every Wednesday night, at their room in good standing are invited to attend.

Hall over the City Drug Store.

BENJAMIN LUCKETT, Sec'y.

COLONIZATION NOTICE.—Emigrants to Liberia from Kentucky, will go in January or February next. All free colored persons, all Executors who have in charge emancipated slaves to go in the first expedition to Liberia, and all masters who intend sending their slaves with that company, are requested to give their names as soon as possible, that it may be known at an early day what sized vessel will be needed. Address Rev. Alex. M. Cowan, Agent of Kentucky Colonization Society, Frankfort, Ky.

IF PILGRIM ENCAMPMENT, No. 4, I. O. O. F., meets every 2d and 4th Thursday night each month, at the Odd Fellows Hall. Visiting Patriarchs are invited to attend.

HUMPHREY EVANS, S.

October 13, 1849.—4m.

IF THE LOUISVILLE DAILY COURIER.—The Louisville Morning Courier will be furnished to Members of the Convention, and others, for any length of time, at the rate of 50 cents per month. Subscriptions received by H. M. McCARTY, at the *Shields House*. Oct. 6.

To the Members of the Senate of Kentucky.—The undersigned would respectfully announce that he will be a candidate for the office of "Door Keeper" of the Senate at the approaching session. To those who are not acquainted with him, he would refer them to the citizens of Frankfort.

October 24, 1849.—4t

S. P. HALL, Late Henry county, Ky.

CINCINNATI.

HALL & CO.

Commission and Forwarding Merchants, and Agents Kentucky River Packet Line.

Columbia Street, adjoining Broadway Hotel, Cincinnati.

PARTICULAR attention paid to the Purchase and Sale of Produce and Merchandise, and Forwarding Merchandise to all parts of the Union.

Cincinnati, November 3, 1849.—392-93

Lexington Observer and Weekly Atlas, copy to the amount of \$3 each, and charge Hall & Co.

A Rare Chance for Bargains!

With the view of preparing to receive my second large assortment of goods, I have determined to sell my present stock, all of which is new, and has been selected with great care and judgment. Any one in want of goods in my line, will do well to give me a call before buying elsewhere.

For a quantity of goods, call on H. KNOTT.

November 3, 1849.

Frankfort Clothing Emporium.

SPANGENBERG & PRUETT,

MERCHANT TAILORS.

Corner of Main and St. Clair Streets.

KEEP on hand and make to order every garment worn by Gentlemen. Their stock of READY MADE CLOTHING is constantly on hand, and they will warrant every article, as their clothes are made up expressly for the best and under their own supervision.

They also keep on hand, a handsome assortment of CLOTHS, CASSIMERES and VESTINGS.

That can be had at the East, for their customers. They intend to sell as cheap as the cheapest for CASH, and CASH ONLY.

They also have on hand, a second importation of Fine Cloths, Cassimeres and Vestings. Friends, give us a call.

"We wish to take an Apprentice to learn the Tailoring business. None need apply, but one that can come well recommended." Nov. 3, 1849.—24t

Commissioner's Sale.

I will offer for sale on credit of one, two and three years, to the highest bidder, on Saturday, the 10th day of November, the following property, belonging to the estate of Thomas Hawkins, deceased, to-wit:

THE MILLS,

Which long since have proven the fact, that in the manufacturing of the latter place, and in the quantity, are second to none in the Western country; and are situated in the best of repair, having recently been furnished with the best and most improved machinery, and several new Cog and Machine Wheels, together with many other minor, but valuable improvements, make them very valuable, and just in the proper condition to be profitable to the purchaser.

Also—THE SAW MILL, being equal to any in speed, and power, having more water power than any other mill on Lexington. There are other improvements. The mill-seat contains between 20 and 30 acres of Land, upon which is erected a good Dwelling House, Blacksmith Shop, and several good Stables; and being located in a grain country, has many advantages, which is proved by the Mill's always being filled with grain, and the purchaser must give bond with good security, carrying interest at the rate of 6 per cent, from the day of sale until paid. The successful bidder may have the Replevin bond, so that executions may issue thereon at maturity, if not paid.

I will also, but separately, on the same day and terms, sell the HOUSES AND LOTS, one having on it a large, convenient, and well constructed Store House; and, if public sentiment be true, there is not a better stand for a Store in the surrounding country.

Also—on the same day, one half mile west of the Mill, I will sell a GOOD FARM, containing about 100 Acres, on a credit of one year, the purchaser to give bond and security as above. Sale on the premises.

PETER L. BECKNER, Com'r.

November 3, 1849.—4t

Dried Peaches.

10 BBLs. of Peaches, fresh and fine, for sale

PIERSON'S CONFECTIONERY.

October 29, 1849

Notice.

In consequence of the death of JAMES T. JUDGE, one of the partners in the firm of W. H. GREENUP & CO., the partnership was dissolved on the 21st Sept. last. All persons indebted to the concern must forthwith pay to the undersigned, or to the undersigned, as they may think proper, without delay. Those having claims against the concern will present them for payment made to the undersigned, or to the undersigned, as they may think proper, without delay. The undersigned is authorized to close the business in liquidation.

W. H. GREENUP, H. B. FARRAR, H. L. JUDGE, Ex'rs.

Frankfort, October 31, 1849.—26t

P. HARKINS,

FASHIONABLE TAILOR,

RESPECTFULLY informs his friends and the public in general, that he is carrying on the TAILORING BUSINESS on Main street, in the shop formerly occupied by Wm. Matthews, Wm. Bridges, and more recently by G. W. Cook, one door above Bacon's Store, and is prepared to execute orders in the neatest and most fashionable style.

Gentlemen will be pleased to order, in strict conformity with the present prevailing fashions and taste of the day.

Frankfort, October 29, 1849.—19t

Negroes Wanted.

I WISH TO PURCHASE A NEGRO BOY, and a GIRL or WOMAN, who understands washing and milking.

W. D. STONE, Dentist.

WILL be in Frankfort on Monday the 12th of November, and will remain there a few days.

MANSON HOUSE, where he will be ready to attend to all calls in his profession.

Frankfort, 30, 1849.—3td

W. D. STONE.

THE BATTERY SILENCED!!!

Not another Shot in the Locker!!!

The superb manner in which our Clothing is got up, and the very low prices which we offer them, is well calculated to silence small batteries.

S. WEILER & CO.,

No. 3, BROWN'S BUILDING,

St. Clair Street, Frankfort, Ky.

HAVE just received a very handsome assortment of Linen Shirts, Merino Drawers, and under shirts, and Fancy Handkerchiefs, to which we ask especial attention.

The article sold rec'd of the largest stock of READY MADE FALL AND WINTER CLOTHING ever brought to this Market! The Clothes were made by expert and skillful workmen, and under the direction of one of the firm, expressly for this trade; in point of workmanship and style THEY CANNOT BE BEATEN.

Besides the large stock of GENTLEMEN'S CLOTHING, we have Boots, Shoes, Caps, Hats, Umbrellas, Trussing Trunks, Carpet Bags, &c., and would like to supply every thing necessary to the wardrobe of gentlemen.

These goods are offered very LOW FOR CASH, and only for Cash.

If it is no trouble to us to show our goods, so that gentlemen would be enabled to see our line, will give us a call, and if we fail to trade, no harm is done. We pledge ourselves to sell at reasonable prices—and with good assortment of goods, such as we represent it. We are regularly established here, and it is our pleasure as well as our interest, to satisfy our customers.

Frankfort, Ky., October 29, 1849.

H. P. NEWELL'S

Coach and Light Carriage Manufactory,

Corner of Mulberry and Second Streets, opposite New Hotel, MADISON, INDIANA.

First door west of the *Switzer House*, Main Street.

ONE splendid CLARENCE COACH:

Two six Passenger ROCKAWAYS;

Two five Passenger ROCKAWAYS;

BRITISH, RUGGLES, HAINES, &c.

LOW FOR CASH.

Carriages of every description built to order.

Second hand Carriages and Buggies—good bargains.

October 23, 1849.

HARDWARE.

4 boxes Axes; Files; Mill and Cross-cut Saws;

Ame's Spades and Shovels;

Locks, Butts and Hinges;

Screws and assorted Nails;

20 boxes assorted Glass;

Looking Glasses, and many other articles.

GROCERIES.

40 barrels Old Wheat FLOUR;

20 sacks old RIO COFFEE;

3 hogheads prime New Orleans SUGAR;

Crackers; Butter and Cheese; Tea;

Mackerel; Candles; Soap;

2 new pattern COAL STOVES;

Water-Proof BOOTS;

6 cases BOOTS and SHOES, a good article—all low for CASH.

H. P. NEWELL, Newell's Buildings.

October 23, 1849.

Western Military Institute.

BOARD OF VISITORS: THE ADJUTANT GENERAL, together with five persons, to be annually appointed by the Executive, to attend examinations at least once in the year, according to law.

CLERGY: Fully qualified to the powers, privileges and rights conferred by the Trustees and Faculty of any other College.

COL. E. W. MORGAN, General Superintendent and Professor of Civil and Military Engineering. [Educated at West Point.]

Lieut. Col. B. JOHNSON, Professor of Mathematics and Natural Philosophy. [Educated at West Point.]

Major MICHAEL OWEN, Professor of Natural History and Chemistry. [A pupil of Dr. Ure, of Glasgow.]

Mr. ALIX SCHUB, Adjunct Professor of Languages. [Educated at the University of Leipzig.]

Rev. H. V. NEVILL, A. M., Professor of Ancient Languages. [Educated at Princeton College, N. J.]

JAS. G. BLAIR, A. B., Adjunct Professor of Languages. [Educated at Washington College, Pa.]

JAS. H. DAVISSON, Esq., Professor of Law. [A practitioner in the various Courts of Kentucky.]

Rev. J. R. SWIFT, Professor of Ethics and Belles Lettres. [Educated at Yale College.]

Mr. E. A. CAMBRAY, Professor of Modern Languages. [Educated in the City of Paris.]

Prof. C. E. MOTT, Principal of the Academy. [Educated in New York.]

Capt. W. W. GAUNT, Adjutant of the Institute.

To secure the manifold advantage of health, economy, discipline, progress and moral training, the Faculty of this Institute have selected for its permanent location, the famous

Blue Lick Springs,

Situated on the Lexington and Mayfield Turnpike, 24 miles from the latter place, and 40 from the former; physically a country location, being ten or twelve miles distant from any town or village. The buildings are modern, and constructed for the purpose of affording ample and comfortable accommodation for three hundred students.

This place is unsurpassed for its healthy atmosphere, pure water, and romantic scenery; and is unquestionably one of the most eligible locations for a Literary and Philosophical Institute. The grounds have been greatly improved and ornamented during the last five years. A plot of forty acres, beautifully situated on Front Street, Monday, January, 1850, will be sold in the year of the buildings, will be reserved for Military Exercises.

The removal will be made immediately after Christmas, and the School opened at that place.

On the 7th day of January, 1850.

The Academic year extends from the first Monday of September to the third Friday of June—forty weeks.

Two hundred and seventy five Cadets, from eighteen different States have entered this institution since it was organized in 1847. It is entirely free from the control or domination of any sect or party, either political or religious. Economy in dress, by the adoption of a cheap Uniform, for Winter and Summer, is rigidly enforced. Every Student is required to select a College Guardian, with whom all funds brought or received, must be deposited, and no debt must be contracted without the consent of such Guardian.

CIVIL ENGINEERING will be thoroughly and practically taught in the WESTERN MILITARY INSTITUTE, the Professor, Col. MORGAN, being one of the most skillful and experienced Engineers in the United States. He was for a long time Principal Assistant Engineer of Pennsylvania, after receiving the highest honors of the United States Military Academy at West Point. All the instruments connected with that department, have been procured at considerable cost, and of the best quality.

The Superintendent takes the liberty of stating that he is now offered \$75 per month for competent Assistant Engineers. One of his former pupils receives at this time \$250 per annum as Principal Engineer of a Railroad under construction in Kentucky, whilst others of the same class are receiving, in different parts of the United States, from \$1,000, \$1,500, or \$1,800 a year as Assistant Engineers.

Young men who have an aptitude for the Mathematical and Physical Sciences, have a wide field open to them, for engaging in an honorable, a

